St Johns & St Nics Sickness Absence Procedure

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Change History

Version	Date	Review Date	Description
2.0	June 2026	June 2029	Updated to provide greater clarity in managing sickness absence and the support available to staff and managers.

1. Introduction

1.1. This model procedure has been drawn up following consultation with all the recognised trade unions.

1.2. Advice and support on the application of this procedure is available from the West Berkshire Schools' HR Team.

1.3. This procedure applies to all employees working in schools. It should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the National Agreement on Pay and Conditions of Service for support staff (the Green Book).

1.4. It is recommended that academies who have chosen to continue to use the STPCD, Burgundy Book, and Green Book also adopt this model procedure. Where an academy adopts this procedure the word 'school' should be taken to refer to the academy.

1.5. The term 'relevant body' has been used throughout this procedure. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purpose of this policy.

1.6. This procedure applies to all staff including the Headteacher.

1.7. The term 'head teacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to these procedures, it will be managed by the Chair of the relevant body or other nominated governor.

2. Policy purpose and scope

2.1. The school aims to have a healthy workforce with excellent levels of attendance. This is vital to the success of our pupils.

2.2. The school takes its responsibilities as an employer seriously and will take all reasonable steps to ensure that the working environment, work demands and management processes are not detrimental to its employees' health and wellbeing.

2.3. The school acknowledges that ill health or injury can affect any one and undertakes to treat those who are unable to work due to ill health fairly, confidentially and sensitively. The school expects all employees to take their mental and physical health seriously and take personal responsibility for following healthy working practices and lifestyle choices so that they remain healthy and can attend work regularly.

2.4. The procedures set out in this document, provide a fair and consistent framework for handling employee sickness absence.

2.5. Before any action is taken under these procedures, the facts and circumstances of each case will be carefully considered, including any medical advice received and the degree to which the absence is causing operational difficulties to the school. Where all efforts to support improved attendance and/or the recovery and return to work of an employee within a reasonable timescale have failed, and where the procedures set out in the policy have been followed, continued poor attendance is likely to result in dismissal.

3. Responsibilities

Head teachers and line managers

3.1. Head teachers and line managers are responsible for providing a safe work environment and for promoting working practices that support the health and wellbeing of staff. In particular they are responsible for:

- ensuring jobs are well designed
- monitoring workload
- promoting good health and safety and acting promptly to manage risks
- ensuring all employees have the right skills and knowledge for the job
- effective communication with employees
- monitoring attendance and applying these procedures consistently and fairly
- notifying payroll promptly of an employee's absence and their return to ensure pay is adjusted correctly
- dealing with ill health matters confidentially and sensitively
- ensuring all staff are aware of this policy and their responsibilities including the procedure for reporting sickness absence.

Employees are responsible for:

- looking after their health
- following good working practices
- attending work unless prevented by ill health
- reporting sickness absence promptly and in accordance with the school's procedures
- keeping in regular contact with their manager when absent from work
- providing doctor's 'fit notes' (sick notes) promptly for all periods of absence of more than seven days (including non-working days)
- returning resources to the school where this will minimise disruption to the school during a period of absence
- co-operating with the school's sickness absence procedures.

4. General points and principles

The role of Occupational Health

4.1. Where ill health is impacting on an employee's attendance or performance, they may be referred to the school's Occupational Health Service at any time so that the school can obtain advice. A written report will be provided by Occupational Health and this will be shared with the employee.

4.2. A referral to Occupational Health will also normally be made when an employee:

- has been continuously absent for one month
- where ill-health may be work related e.g. stress or injury
- where persistent short-term absence is causing concern

4.3. A discussion will take place with the employee before the referral, to explain the reason for the referral and the process.

4.4. Employees are expected to attend Occupational Health appointments where reasonably required. Where an employee is unable to attend, they should inform the school as soon as possible so that alternative arrangements can be considered. In order to provide full advice, the Occupational Health Service may seek to request a medical report from the employee's GP or specialist. The employee will be asked to provide their consent for Occupational Health to apply for a medical report and has the right to state that they wish to see the GP/specialist report.

4.5. Where an employee chooses not to consent to, or does not reasonably engage with the school's request to obtain medical advice from the Occupational Health Service, the school will inform the employee in writing that a decision about their absence will be taken by the head teacher or line manager on the basis of the information that is available.

GP fit notes

4.6. Employees must give the school a doctor's 'fit note' if they are off sick for more than seven calendar days (including non-working days).

4.7. The fit note will say the employee is either 'not fit for work' or 'may be fit for work'.

4.8. Where the GP states 'may be fit for work', they may suggest ways of helping the employee get back to work such as a phased return, modified duties or working hours. The head teacher or line manager will meet the employee to discuss possible options with the aim of reaching an agreed return to work plan and wherever possible, accommodating the GP's recommendations.

4.9. The fit note recommendations are not binding on the employer, and the employee will be treated as 'not fit for work' if the school, having fully explored the suggested modifications, finds it is not possible to accommodate them.

4.10. The school will ask the employee to fill in a 'self-certificate' for absence up to seven calendar days.

5. Equality Act

Disabled employees

5.1. The application of this policy and procedures will take account of the Equality Act 2010 and the Equality and Human Rights Commission's, Employers Statutory Code of Practice and in particular legal duty on employers to make reasonable adjustments for disabled employees.

5.2. Where adaptations or adjustments are recommended by a medical practitioner to support a disabled employee to carry out their job, these will be implemented where reasonable.

5.3. Cancer, HIV infection, and multiple sclerosis are deemed disabilities from the point of diagnosis. Progressive conditions and those with fluctuating or recurring effects will amount to disabilities in certain circumstances.

5.4. Further advice on managing sickness absence for disabled employees and on reasonable adjustments is available from the schools HR team and the Occupational Health Service.

Pregnant employees

5.5. Pregnancy and maternity are protected characteristics under the Equality Act 2010. Therefore, an employee should not receive unfavourable treatment in relation to their pregnancy or illness suffered by them as a result of that pregnancy.

5.6. While the same sickness absence levels will trigger review meetings with pregnant employees, pregnancy related sickness absence will not be counted when reviewing the employee's sickness absence record.

Gender reassignment

5.7. The Equality Act provides protection for people who are in the process of transitioning from one gender to another.

5.8. The school will not treat transgender people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

5.9. While the Equality Act 2010 does not say how much time must be allowed for absence because of gender reassignment, the school will:

- discuss with an employee how much time they will need to take off
- accommodate those needs in so far as they are able.

6. Sick pay

6.1. Paid sick leave is available to employees to allow them to recover from ill health. Employees are required to co-operate with medical advice and to ensure they do not act in a way which adversely affects their recovery. Details of sick pay entitlement for teachers and support staff can be found at Annex 1 and 2. This includes information about statutory sick pay and occupational sick pay paid by the school under this policy.

6.2. Sick pay is a financial provision and not a provision that in any way indicates the amount of absence to which an employee is entitled. The school reserves the right to terminate the contract of any employee absent through sickness or injury at any time through this policy, irrespective of whether occupational sick pay has been exhausted.

6.3. Where there are grounds to believe an employee is acting dishonestly or is failing to follow these procedures, this will normally be treated as a disciplinary matter.

7. Time off to attend medical and dental appointments

7.1. Appointments for routine medical or dental checks, screenings and treatment must be made outside normal working hours in an employee's own time. Where this is not possible e.g. hospital appointments, the head teacher/line manager may agree to time off. Proof of the appointment may be required.

7.2. Agreement may be given for employees to take paid time off during the school day for emergency medical treatment or hospital appointments. Employees should apply for time off in advance.

7.3. The school recognises that disabled employees, (as defined under the Equality Act), may have periods where they need time off work to attend medical appointments for treatment, rehabilitation, check-ups etc. to help them manage their condition.

7.4. The school may allow paid time off for a disabled employee to attend up to ten appointments (pro rata for part time staff) over a twelve-month rolling period, as a reasonable adjustment. This shall be recorded as disability leave, not sick leave. Agreement should be sought from the line manager in the first instance. This limit is regarded as a reasonable amount of time in most circumstances but may be varied in exceptional circumstances depending on the facts of the case.

8. Elective surgery

8.1. When an employee wishes to take time off to undergo elective surgery, such as cosmetic surgery, they must discuss the period of absence they are requesting with the head teacher or line manager. Employees who are employed term time only are expected to schedule elective surgery and the consequent recovery time during school holidays. Annual leave or unpaid leave may be agreed for staff employed all year.

8.2. Any consequential sick leave which is certified by a GP, hospital physician or Occupational Health will be managed under normal sick leave entitlements.

9. Fertility treatment and IVF

9.1. There is no legal right to time off work for fertility investigations or treatment. Appointments should be treated as any other medical appointment.

9.2. If an employee becomes unfit for work because of fertility treatment, they should follow the usual sickness reporting procedures.

10. Ill health related to drug and alcohol misuse

10.1. Consideration will be given to introducing measures to help employees who are suffering from alcohol or drug abuse. The aim will be to encourage the employee to seek help and treatment.

11. Work related sickness absence

11.1. An employee must report any work-related injury to their head teacher or line manager immediately and this must be reported and recorded using the channels in place at the school. For maintained schools the injury or accident must be reported to the Health and Safety team.

11.2. Where work-related stress is reported a referral will be made to the Occupational Health Service, and stress risk assessment forms should be completed.

12. Annual leave and sick leave

12.1. Employees will continue to accrue annual leave during periods of sickness absence. Where long term sickness absence prevents an employee from taking their annual leave during a leave year, they may carry forward up to the maximum of their statutory entitlement of four weeks leave (pro rata for part time employees), less any leave already taken in the year.

12.2. For staff working term time only any accrued entitlement is included in normal school closure periods.

13. Procedure for reporting and managing sickness absence

Reporting sickness absence

13.1. To report sickness absence, employees must contact their line manager or other nominated person by phone no later than one hour prior to the start of the working day and/or in accordance with the school's agreed procedures.

13.2. The employee must explain the nature of their illness and give an estimated return to work date. If the absence continues beyond three days or the estimated return date, the employee must contact the head teacher or line manager with an update.

13.3. If the school does not hear from an absent employee, or someone on their behalf, the head teacher or line manager will contact the employee as soon as possible to determine their whereabouts and ensure they are safe.

13.4. Failure to report sickness absence and follow the school's procedures may result in formal disciplinary action being taken.

14. Monitoring and recording sickness absence

14.1. The school operates a confidential system for recording all sickness absences and will record start and end dates of all absences promptly on the school's payroll system. Failure to do this may result in overpayments in salary and other pay errors.

15. Keeping in touch during periods of absence

15.1. Regular contact between the employee and head teacher or line manager is crucial during periods of sickness absence. It is particularly important where employees are absent for a long period of time as returning to work can be daunting.

15.2. The frequency and manner of contact should be agreed between the head teacher or line manager and the employee at the outset e.g. weekly or fortnightly phone calls.

15.3. Meetings at a neutral venue may be appropriate where the employee is unable or would prefer not to meet at their normal workplace.

15.4. Where an employee is admitted to hospital or medical advice states they are not well enough to have contact with their manager, the head teacher/line manager will seek to maintain contact with a representative nominated by the employee such as a trade union representative or relative.

16. Return to work interviews

16.1. The head teacher or line manager will normally speak with an employee on their return to work, after any episode of absence.

16.2. The purpose of the conversation is to:

- welcome the employee back to work and update them on work matters
- ensure the employee is fully recovered, establish whether there are any on-going health or wellbeing issues that may lead to further absences and identify any support that may be required
- consider any adjustments that could support the employee's recovery and attendance
- review their sickness absence record for the last 12 months and decide if any further action or review meetings should be held in accordance with the procedures set out in this document.

16.3. In cases of long-term absence, a meeting prior to the expected return to work date may be helpful to agree a return-to-work plan to support reintroduction to the workplace.

17. Phased return to work

17.1. Where an employee has had a serious illness and/or has been absent for a long period, the GP or Occupational Health Service may recommend a phased return. This allows a gradual build-up of working hours and/or duties, normally over a period of up to four weeks. This will be supported by the school where the recommendations are reasonable and practical.

17.2. During this time, you may receive full pay for the hours worked as part of a phased return with the remaining hours supplemented by sick pay, i.e. if you return on half your contracted hours for 4 weeks you would receive full pay for 50% and the rest would be paid in line with any sickness absence entitlement.

17.3. If a longer temporary period of reduced hours or change to duties is recommended by a medical practitioner, this will normally be considered, particularly if agreed as a reasonable adjustment for a disabled employee. If these measures can be accommodated by the school, the changes will normally involve agreeing with the employee a variation to their contract of employment i.e. a reduction in working hours. Normal pay may be affected by such changes.

17.4. If a permanent change of duties or hours of work is recommended by a medical practitioner, this will normally be considered, particularly if agreed as a reasonable adjustment for a disabled employee. If the school is able to accommodate these changes they will discuss them with the employee and amend their contract of employment where appropriate.

17.5. Phased returns should be recorded as follows:

- When an employee works less than half of their normal working day as part of a phased return, the unworked hour should be recorded as half a days sickness absence.
- Where an employee works more than half of their normal working day, no sickness absence will be recorded.
- Where an employee does not work on a scheduled day at all (for example, attending three full days out of a normal five-day week), the days not worked will be recorded as full days of sickness absence.

18. Making Workplace Adjustments

18.1. Occupational health or your GP may recommend workplace adjustments to support you in work. These may help to reduce your absences and contribute to you being able to perform your role effectively. See section on Reasonable Adjustments.

18.2. Your manager will also:

- Arrange risk assessments including stress risk assessments for mental health related absences, if needed.

- In conjunction with the employee, decide whether to inform colleagues to help them understand the need for the adjustments. They will do this without breaking confidentiality and discuss any concerns that colleagues may have.
- Record any workplace adjustments you have agreed to and how long you expect them to last.
- Monitor any workplace adjustments to see if they are meeting your needs and ours. Your manager will arrange regular reviews agreed with you in a return-to-work plan.
- Encourage you to raise any issues related to the workplace adjustments.
- Ensure you are aware of other interventions that may support you in the workplace.

18.3. We will try to respond sensitively to the needs of employees who may be:

- At particular risk of stress caused by work and working conditions
- Experiencing mental health problems for other reasons

18.4. This procedure helps us to identify employees who are experiencing stress early. We will offer them support, such as counselling and/or stress risk assessments. For more information refer to the stress checklist and guidance for managers.

19. Redeployment

19.1. Where an employee has a known disability, as part of a reasonable adjustment, a manager may discuss a move to a more suitable role if one is available. They might do this at any point in the return-to-work procedure.

19.2. They will seek the appropriate advice and help the employee to understand the impact of making such a decision.

19.3. If an employee has a disability under the Equality Act 2010, they will have 'at risk' status. This means they will have priority when the school considers the employee for an alternative role. The school will take a positive approach to redeploy the employee. A trial period for alternative roles on a four-week basis will be offered where a role has been identified. The trial allows the employee and the new manager to assess whether the job is suitable.

19.4. The manager should be aware of:

- the requirements of the Equality Act 2010
- the need to make reasonable adjustments to assist you to continue in work

20. Ill health retirement

20.1. You may have to retire on the grounds of ill health when:

- medical advice suggests you are unlikely to return from long-term sickness
- you meet the criteria for ill health under the relevant pension scheme

20.2. It is also possible if you continue to work and:

- you experience significant difficulties
- long-term absence is likely

20.3. Your manager will submit a referral to occupational health if ill-health retirement is being considered as an option. They will explore whether you are eligible or not. They will look at the impact of this upon your pension and any other relevant financial arrangements. The manager may also be required to complete an LGPS or Teachers Pension certificate to prompt an assessment for IHR.

20.4. Occupational health may advise that you are:

- eligible for permanent ill-health retirement, or
- unfit to return to your role due to an underlying medical condition and do not recommend redeployment

20.5. Your manager may escalate to a Stage 3 absence management hearing without the need for a Stage 1 or Stage 2 meeting.

21. Procedures for managing sickness absence

21.1. The next section of this document sets out the steps followed by the school to manage short term absence and when an employee's ill health results in them being absent for a long period of time (for over one month).

21.2. The procedures explain the informal and formal meetings that will be held in these circumstances.

Formal attendance notifications

21.3. Under the formal stages of these procedures head teachers/line managers can decide to issue formal attendance notifications. These are issued to ensure employees are aware that continued high levels of sickness absence may result in further formal action and ultimately dismissal.

Attendance at meetings

21.4. In circumstances where Occupational Health advises that an employee is not well enough to attend the meetings set out in these procedures, Management will seek to discuss with the employee and (where the employee has a representative) their representative on how to implement the process fairly should the employee remain unfit to attend meetings under any circumstances.

The right to be accompanied to meetings

21.5. Employees have the right to be represented by a trade union representative or accompanied by a work colleague at any formal meetings held under this procedure.

21.6. Informal meetings do not attract the same right, unless required as a reasonable adjustment, but requests to be accompanied will be considered where this support

may be helpful, but there is no automatic right to have a trade union representative or work colleague present. This also applies to Stage One of the Procedure.

21.7. Where employees wish to be accompanied, they must contact the manager responsible and give them the name of the trade union representative or work colleague in good time before the meeting.

22. Procedure for managing short term absence

22.1. Short term sickness absence can have a significant detrimental impact on the school. This procedure aims to support improvement in attendance, but where this does not happen, formal action may be taken including dismissal.

22.2. There are four stages for managing short term absence:

- **Stage one** informal review meetings
- **Stage two** formal meeting which may result in an attendance notification being issued
- **Stage three** formal meeting which may result in a final attendance notification
- **Stage four** if attendance does not improve within a reasonable time scale (usually within six months from stage one) a formal hearing will be held, and the outcome may be dismissal.

22.3. Depending upon the circumstances of the case it may be appropriate to adjourn a meeting pending further information or action or to hold more than one meeting at any stage.

22.4. Normally a period of two months is given between each of the stages to allow for improvement in the employee's health and attendance, but this may be varied depending on the level absence, timing of school holidays and the facts of the case.

22.5. In between these stages, the head teacher or line manager and employee may meet for informal reviews.

22.6. Before taking action at any stage, the head teacher or line manager must be satisfied that any reasonable adjustments that would help improve levels of attendance, have been identified. For disabled employees, managers must be satisfied that these have been fully explored and/or implemented in accordance with the Equality Act 2010 - see Statutory Code of Practice - Duty to make reasonable adjustments.

Stage One - informal review

22.7. Stage one is triggered if, an employee has either:

a) Three or more sickness/injury absences in a rolling three-month period.
b) Unacceptable patterns of absence; for example, a pattern of calling in sick the day before or after a weekend or bank holiday, or before or after a period of school closure or annual leave.

c) A period of long-term absence of more than 28 calendar days (long term sickness absence) where the return-to-work date has not been specified or is of concern to the line manager

22.8. Where reasonable concerns about an employee's attendance occur that do not fit into one of the above triggers, the line manager may still take action under the procedure.

22.9. A 3-month rolling period is calculated backwards from the first day of the current absence.

22.10. The head teacher or line manager will meet with the employee to discuss:

- the pattern of absence and the reasons for it
- what actions the employee has taken to address the issue e.g. medical treatment
- whether any aspect of the job may be affecting the employee's health and whether any temporary changes to the job could assist attendance
- any underlying health problem and the likelihood of further absence
- whether the employee has a disability, and if so whether there are any reasonable adjustments that could be made
- the effect of the absence on pupils, colleagues and the school
- whether medical advice is needed from the Occupational Health Service
- any other relevant considerations.

22.11. Following the meeting the person conducting the meeting will write to the employee. The letter will summarise the main points from the meeting, including agreed actions, confirmation that an improvement in attendance is expected, timescale for improvement and the date for a review meeting.

22.12. The letter will also explain that continued poor attendance may result in formal action being taken in line with stage two of these procedures. Where an underlying medical condition or disability is identified, or where concerns about attendance continue, the employee should be referred to the Occupational Health Service.

22.13. Where attendance improves to an acceptable level the head teacher or line manager will hold a review meeting to confirm this and decide the need for or frequency of further monitoring meetings. Following the meeting the manager will write to the employee confirming the outcome.

Stage Two - formal review (usually two months after informal review)

22.14. Where concerns about attendance continue, the manager will invite the employee to a formal meeting, giving five working days' notice (providing copies of any relevant documents that will be referred to at the meeting).

22.15. Up to date medical advice may be obtained from Occupational Health for this meeting. The employee can be accompanied to this meeting by a trade union representative or work colleague. At the meeting the manager and employee will discuss:

- the on-going pattern and level of absence and the reasons for it
- medical advice
- whether further absences are likely to occur
- if there are work factors affecting the employee's attendance and whether any temporary changes to the job could assist attendance
- If the employee has a disability, any reasonable adjustments that could be made
- the impact of the employee's absence on the school.

22.16. Having taken into account all of the relevant facts and consulted with the employee, the head teacher/line manager may decide to:

- take no further action
- extend the period of monitoring and review
- issue a formal attendance notification, warning the employee of the risk of dismissal if attendance does not improve.

22.17. In addition, an action plan will be agreed with review meetings which may include obtaining further medical or specialist disability advice and/or putting adjustments, aids or adaptations in place, to support improved attendance.

22.18. Following the meeting, and within three working days, the person conducting the meeting will write to the employee confirming the outcome of the meeting and the employee's right to appeal, within 10 working days, if a formal attendance notification has been issued.

22.19. Where attendance improves to an acceptable level the head teacher or line manager will hold a review meeting to confirm this and decide the need for or frequency of further monitoring meetings.

22.20. This will be confirmed in writing to the employee.

Stage Three - formal review (usually two months after stage two review)

22.21. Where levels of absence continue to be unacceptable, the manager will invite the employee to a further formal meeting, giving five working days' notice (providing copies of any relevant documents that will be referred to at the meeting).

22.22. The employee can be accompanied to this meeting by a trade union representative or work colleague.

22.23. The meeting will consider any points and submissions from the employee and will consider:

- the on-going pattern and level of absence and the reasons for it
- medical advice
- whether further absences are likely to occur
- if there are work factors affecting the employee's attendance and whether any temporary changes to the job could assist attendance

- if the employee has a disability, any reasonable adjustments that could be made and the effectiveness of any adjustments that have already been put in place
- the impact of the employee's absence on the school.

22.24. As a result of this meeting the head teacher/line manager may decide one or more of the following:

- to take no further action
- extend the period of review and monitoring, for example to allow for improvement in the employee's fitness as a result of treatment or improvement in attendance as a result of adaptations or adjustments that can be put in place
- issue a final attendance notification, warning the employee of the risk of dismissal if attendance does not improve, including the timescale for improvement

22.25. In addition, an action plan will be agreed which may include obtaining further medical or specialist disability advice and/or putting adjustments, aids or adaptations in place, to support improved attendance.

22.26. A further review meeting will also be scheduled. The outcome of this meeting will be confirmed in writing to the employee within three working days, along with their right to appeal within ten working days, if a final attendance notification has been issued.

22.27. A further review meeting will be held after a reasonable amount of time has been given for improvement in attendance e.g. usually two months. At this meeting the case will be reviewed and examined by the head teacher or another senior manager in consultation with the employee and a decision will be taken either:

- to take no further action
- to extend the period of review and monitoring, for example to allow for improvement in the employee's fitness as a result of treatment or improvement in attendance as a result of adaptations or adjustments that can be put in place
- to recommend dismissal and arrange a formal hearing for a panel of the relevant body to examine the case

22.28. Where attendance improves, for a sustained and reasonable period e.g. two months, formal monitoring will normally cease but if levels increase again within the period of the attendance notification or within a year, then this will trigger the reinstatement of this procedure at stage three.

22.29. At any stage the head teacher/manager may decide it is reasonable to extend review periods or improvement notice periods to ensure sustained improvement is achieved.

23. Managing long term absence

General principles for managing long term sickness absence

23.1. Long-term sickness absence is defined as continuous absence of 28 days or more, and where the return-to-work date hasn't been provided. The school will deal with any long-term illness of an employee sympathetically and will consult regularly with the employee or the employee's representative, with the aim of assisting the individual to return to work.

23.2. Head teachers/line managers are recommended to seek HR advice in cases where long term or terminal illness is diagnosed.

23.3. Regular contact between the head teacher or line manager and employee must be maintained throughout the period of absence. How and when this contact takes place should be agreed at the outset e.g. weekly or fortnightly phone calls.

23.4. There are four stages for managing long term absence:

- Stage one – informal meeting
- Stage two – formal meeting which may result in an attendance notification
- Stage three – formal meeting which may result in a final attendance notification
- Stage four – if absence continues and medical opinion is that there is no prospect of a return to work within a reasonable time scale or permanently, a formal hearing will be held, and the outcome may be dismissal.

23.5. The decision to dismiss an employee on long-term sick leave will only be taken when all other options have been considered.

Stage One - informal

23.6. Where an employee has been or is likely to be absent for one calendar month, they will normally be referred to the Occupational Health Service so that the head teacher/line manager can obtain medical opinion including the expected timescale for recovery and return to work.

23.7. The head teacher or line manager will invite the employee to a meeting to discuss:

- the medical opinion, prognosis about recovery including the expected timescale for a return to work
- what support the employee needs to enable him/her to make a successful return to work
- whether the employee has a disability in accordance with the Equality Act 2010 and any adjustments that could reasonably be made to support a return to work
- the impact of the absence on the school's operations including the ability to cover the work and the costs.

23.8. The options that may be considered at this stage include:

- to take no further action
- agree a return-to-work plan including reasonable adjustments such as a phased return
- extend the period of monitoring and review

- obtain further medical advice or specialist disability advice.

23.9. Following the meeting the person conducting the meeting will write to the employee. The letter will summarise the main points from the discussion, confirm any actions agreed and the date for a further review meeting. The letter will also explain that continued absence is likely to result in formal action being taken in line with stage two of these procedures.

23.10. Where the employee recovers and returns to work the head teacher or line manager will decide whether further review meetings are necessary to support the employee.

Stage Two - formal review (usually after three months absence)

23.11. Where absence continues, the head teacher or line manager will write to the employee inviting them to attend a formal review meeting, giving at least five working days' notice and providing any relevant documentation that may be referred to at the meeting. The employee can be accompanied to this meeting by a trade union representative or work colleague. Up to date medical advice may be obtained from Occupational Health for this meeting.

23.12. At the meeting the head teacher or line manager will explore with the employee:

- medical opinion, the prognosis about recovery including the expected timescale for a return to work
- what support the employee needs to enable them to make a successful return to work
- whether the employee has a disability in accordance with the Equality Act 2010 and whether any reasonable adjustments can be made to support their return
- the impact of the absence on the school's operations including the ability to cover the work and the costs.

23.13. The options that may be considered include:

- taking no further action
- agreeing a return-to-work plan including reasonable adjustments e.g. a phased return
- extending the period of monitoring and review
- obtaining further medical advice or specialist disability advice
- issuing a formal attendance notification, advising the employee of the risk of dismissal where a return to work is unlikely within a reasonable timescale

23.14. Following the meeting the person conducting the meeting will write to the employee. The letter will summarise the main points from the meeting, confirming actions agreed and the date for a further review meeting. The employee will also be advised of their right to appeal, within ten working days, if a formal attendance notification is issued.

23.15. Where the employee recovers and returns to work the head teacher or line manager will decide whether further review meetings are necessary.

Stage Three - formal review

23.16. Where absence continues, the head teacher or line manager will write to the employee inviting them to attend a formal review meeting giving at least five working days' notice and providing any relevant documentation that may be referred to at the meeting. The employee can be accompanied to this meeting by a trade union representative or work colleague.

23.17. In most cases a recent report from the Occupational Health Service will be needed and should be requested in good time for the meeting. At the meeting the head teacher or line manager will explore with the employee:

- medical opinion, the prognosis about recovery including the expected timescale for a return to work
- what support the employee needs to enable him/her to make a successful return to work
- whether the employee has a disability in accordance with the Equality Act 2010 and whether any reasonable adjustments can be made to support their return
- the impact of the absence on the school's operations including the ability to cover the work and the costs.

23.18. After considering any advice from the Occupational Health Service or other health professionals, along with the discussion at the meeting, a decision will be taken as follows:

- either to extend the review period
- to embark on a phased return to work
- that no further action is needed as the employee is returning to work
- to consider if other suitable work may be available within the school
- explore eligibility for ill-heath retirement

23.19. If the review concludes that a return to work is not possible at this point or within a reasonable timescale, a final attendance notification may be issued advising the employee of the risk of dismissal on the grounds of ill-health.

23.20. The employee will have the right of appeal against this decision within 10 working days.

23.21. The person conducting the meeting will write to notify the employee of the outcome of this review within three working days.

23.22. The decision to dismiss an employee on long-term sick leave will only be taken once all other options have been considered.

23.23. However, where medical advice is that an employee is permanently unable to return to work or there is little prospect of them returning within a reasonable length of time (usually three months) a formal hearing will be convened and the facts of the case will be fully examined. The hearing may result in dismissal.

Stage four - formal hearing

23.24. In circumstances where an employee continues to have unacceptable levels of sickness absence and where all other options have been fully explored, a formal hearing will be convened and the case examined by a panel of three members of the relevant body, or the Headteacher where they have delegated responsibility.

23.25. This hearing could result in dismissal. The employee will be invited to attend the hearing and given at least five working days' written notice. The written notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied by a trade union representative or work colleague.

23.26. If the employee is not well enough to attend the hearing in person, they may elect to be represented and/or to provide a written submission. If the employee has special needs regarding transport or location these will be given favourable consideration.

23.27. Any proposal to dismiss an employee in a Community, Voluntary Controlled, Community Special or Maintained Nursery School on grounds of incapability through ill health must involve the Local Authority in accordance with The School Staff Regulations (Amendment) 2012.

23.28. A HR adviser may attend the meeting to advise the Relevant Body.

23.29. Prior to the meeting the employee will be given copies of any relevant written information that will be used to consider the decision. This will normally include:

- A report summarising the ill health record and the sequence of events leading up to the decision to convene the formal hearing
- A chronology of key issues/events relating to the health of the employee
- Details of any adaptations, adjustments or support that have been put in place with relevant dates
- Advice and opinion from the Occupational Health Service this may include advice on likely eligibility for ill-health retirement
- Notes of any meetings that have been held with the employee
- Details of any consideration given to redeployment including outcomes
- Summary of the impact of the absence on the school
- Copy of this procedure

23.30. The employee will be invited to submit additional medical evidence, if they wish.

23.31. The possible outcomes from this hearing are:

- for absence to remain under review
- a return to work is planned or
- the employee is dismissed with appropriate notice
- where appropriate, make a decision with regard to ill-health retirement.

Alternatives to Dismissal

23.32. The Headteacher may, at their discretion, at any stage in the procedure, initiate a protected conversation with an employee in order to offer a settlement agreement. Where the employee is a member of a trade union, this would be initiated through their representative, and any buy back school will be supported by Human Resources.

23.33. If a settlement agreement is not reached, this process does not prevent the Headteacher from chairing a decision hearing.

23.34. The purpose of any protected conversation will be to offer a compassionate and pragmatic alternative to dismissal on grounds of capability. In cases of long-term absence, this may be where the timescale for a successful return to work is unknown and the employee has already been absent for more than six months or has exhausted their entitlement to full sick pay.

24. Academy, Voluntary Aided, Foundation and Foundation Special schools

24.1. Once the decision to dismiss has been taken, the Relevant Body, or Headteacher will dismiss the employee with notice.

25. Community, Voluntary Controlled, Community Special and Maintained Nursery Schools

25.1. Once the Relevant Body or Headteacher has decided that the employee should no longer work at the school, they will notify the Local Authority of its decision and the reasons for it.

25.2. The Local Authority must dismiss them within fourteen calendar days of the date of the notification.

26. The right of appeal

26.1. Employees have the right to appeal against the decision to dismiss them, or any other formal action and may do this by setting out their grounds of appeal in writing within ten working days of the decision.

26.2. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place.

26.3. The employee will have the right to be accompanied by a trade union representative or work colleague. The appeal will be dealt with impartially and, wherever possible, by managers or members of the Relevant Body who have not previously been involved in the case.

26.4. Appeals against attendance notifications, before a decision to dismiss, may be heard by a senior manager or an individual governor who has not been previously involved with the case.

26.5. Appeals against the decision to dismiss taken by the Headteacher will be heard by an appeal panel made up of at least two people from the relevant body.

26.6. Appeals should normally be restricted to considering the reasonableness of the decision made, any relevant new evidence or any procedural irregularities.

26.7. Where an appeal is upheld the matter should be referred back to the head teacher or person conducting the procedure to be reconsidered or for further appropriate action.

26.8. Where attendance continues to be monitored, this should not be halted while an appeal is pending.

26.9. The employee will be informed in writing of the results of the appeal hearing within three working days of the date of the hearing.

27. Ill Health Retirement Members of the Teachers' Pension Scheme

27.1. If the employee is a member of the Teachers' Pension Scheme and applies with the support of the Occupational Health Service to the pension scheme for early retirement on grounds of ill health then, following discussion, this process will usually be considered first and other action held until the outcome of the application is known.

27.2. If the application is successful, the effective date of early retirement will be agreed with the teacher and employment will end.

27.3. If a teacher's application for early retirement on the grounds of ill-health is not successful, then other options including dismissal on the grounds of incapability through ill health will be considered and the procedure set out above will be followed.

28. Members of the Local Government Pension Scheme

28.1. If the employee is a member of the Local Government Pension Scheme and ill health retirement is recommended by the Occupational Health Service, the school must decide whether to accept the recommendation for the Ill Health pension to be paid; and to end employment on the grounds of ill health.

28.2. It is recommended that the Relevant Body delegates the decision to dismiss to the Headteacher in the event that an Ill Health Retirement recommendation certificate is received.

28.3. The Headteacher can then conduct a formal meeting with the advice of the school's HR service at which the recommendation for Ill Health Retirement from the Local Government Pension Scheme and dismissal can be considered.

28.4. The member of support staff will have a right of appeal against the decision to dismiss and a separate right to appeal against the pension decision. If they wish to appeal against the pension decision, they must do so using the Pensions Internal Disputes Resolution Procedure.

28.5. If a member of the support staff holds more than one post either within one school or in more than one school a separate recommendation and decision will need to be reached for each post. If early retirement on the grounds of ill health is not recommended, then other options including dismissal on the grounds of incapability through ill health will be considered.

29. Abuse of the scheme

29.1. Repeated abuse of the sickness scheme will be dealt with under the School's Disciplinary Procedure.

29.2. The School reserves the right to withhold or suspend sick pay under its contractual sick pay scheme at its discretion.

29.3. Sick pay may be suspended if an employee abuses the sickness scheme or is absent on account of sickness due or attributable to:

- deliberate conduct prejudicial to recovery,
- the employee's own misconduct or neglect,
- active participation in professional sport,
- injury while working in the employee's own time or on their own account for private gain or for another employer.

29.4. Each case will be considered on its merits, taking into account:

- whether any secondary employment has been declared and approved where required;
- whether the activity or conduct was reasonable and consistent with the employee's contractual obligations;
- the circumstances in which the illness or injury arose; and
- whether it is fair and reasonable in all the circumstances to withhold occupational sick pay.

29.5. Any decision to suspend sick pay will be made consistently and communicated clearly to the employee. Statutory Sick Pay (SSP) will be paid where the employee meets the qualifying criteria.

29.6. Where sick pay is suspended, the line manager will advise the employee of the grounds for suspension and the employee will have a right of appeal to the Headteacher, or Governing Body if appropriate. If the Headteacher decides that the grounds were justified, then the employee will forfeit the right to any further payment in respect of that period of absence.

30. Medical suspension

30.1. If a manager has concerns with regards to an employee and their ability to undertake work without risk to themselves or others, they may ask the employee to remain off duty as a short-term solution and until Occupational Health advice is sought. Alternative duties or place of work may also be considered at this point to support the employee. Full pay will be maintained where an employee has had a forced period of leave by the council and will not count towards sickness absence triggers.

30.2. The School may also place an employee on medical suspension where there are health and safety issues relating to:

- Dangerous chemicals
- Lead
- Radiation

30.3. Before an employee is placed on medical suspension the council will consider whether any temporary or permanent changed can be made to make the workplace safe or offering the employee suitable alternative work.

30.4. Where it is not possible to make adjustments, the employee may be placed on medical suspension until it is safe to return to work.

30.5. Providing the employee remains available and accepts suitable alternative work, full pay will be maintained for up to 26 weeks.

30.6. Any period of medical suspension invoked by the council will not count towards sickness absence triggers.

31. Transmission of illness

31.1. Some disease and illness, whilst not making the employee unfit for duty, would be dangerous to health if transmitted to clients and colleagues. For example:

- Rubella or German Measles (where the employee may come into contact with pregnant women)
- diarrhoea (in food handlers where the food may become contaminated)

31.2. In these circumstances, the sick employee must be sent home immediately and urged to visit his or her GP at the earliest opportunity. It may be necessary to obtain a fit note before a return to work is permitted.

31.3. In addition, any existing employee who has regular and close contact with children as part of their job must seek immediate medical clearance if they have contact with an individual or visit a community or country with a history of tuberculosis.

31.4. Any doubts regarding fitness for work, and an employee should seek medical advice from their GP and if required the manager may seek to make a referral to Occupational Health.

32. Sickness during the working day

32.1. If you leave work during the working day due to illness:

- you must report this to your manager
- your manager will class you as absent for sick pay and recording purposes
- you must self-certify and attend a return-to-work meeting

32.2. Your manager will decide whether to record a full or half day's sickness absence. If you work flexitime, your manager will credit you with the time you worked.

32.3. Your manager will record absences of half a day or more on the sickness system using ITrent.

32.4. An employee who is prevented from attending work because of contact with an infectious disease is entitled to receive normal pay. The period of absence on this account shall not be considered against the employee's entitlement under this scheme.

33. Illness during annual leave

33.1. Where an employee falls sick or is injured while on annual leave, the employee may transfer to sick leave. This period of annual leave may be taken later in the year if the following conditions are met:

- employees must comply with the sickness absence reporting procedure.
- employees must notify their manager of their incapacity, as soon as possible.
- employees must provide a fit note for any period of illness exceeding seven days. They must provide an equivalent document if outside the UK.
- in exceptional circumstances, an employee may submit a written request no later than ten days after returning to work. They should:
    - set out how much of the annual leave period was affected by sickness
    - the amount of leave they wish to take at another time
    - enclose evidence and medical certificates

33.2. If the request meets these conditions, we will grant the same number of days' replacement annual leave as days lost due to sickness or injury.

33.3. An employee must take any replacement annual leave as per our normal holiday procedure. They should take replacement leave in the same leave year in which they accrued it. If this is not possible, we may allow the employee to carry that leave forward into the next leave year.

33.4. Where such a period of annual leave includes a public/bank holiday this will not be re-credited to the employee

33.5. In cases of long-term sickness, maternity or adoption leave, employees continue to accrue annual leave. They may carry over their statutory accrual to the following year, to take on their return from absence. Employees whose employment terminates after

a period of long-term sick leave will be paid in lieu of the statutory leave that they have accrued and would otherwise have carried forward, up to a maximum of 2 years' leave.

34. Payment in Lieu of Notice

34.1. Where dismissal is considered, the school reserves the right to make a payment in lieu of notice (PILON), and the employees' contract of employment may be terminated with immediate effect.

35. Death in Service

35.1. Dealing with an employee's death is one of the most difficult issues a manager may have to deal with and needs to be handled with great care and sensitivity to prevent any additional distress for bereaved relatives and colleagues and to ensure seamless administration. This extends to death by suicide of a colleague, which can be a very shocking and distressing event. Like all potential workplace shocks, having a plan in place with all the right people briefed and prepared can mitigate the effects on staff. Creating a workplace environment where mental health is supported and discussed openly is part of this preparation.

35.2. Managers will need to consider the welfare and emotional state of staff directly affected by the situation and consider how to support next of kin of the deceased or injured.

Appendix 1 – Sick Pay Entitlements

Teachers

Sick pay entitlements for teachers are set out in the Burgundy Book. These are summarised below.

During the first year of service	full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days
During the second year of service	full pay for 50 working days and then half pay for 50 working days
During the third year of service	full pay for 75 working days and half pay for 75 working days
During fourth and subsequent years	full pay for 100 working days and half pay for 100 working days

For the purpose of calculating a teacher's entitlement a year is deemed to begin on 1st April and end on 31st March of the following year. Where a teacher starts service after 1st April in any year, the full entitlement for that year will be applicable. Where a teacher is on sick leave on 31st March in any year, no new entitlements shall begin until the teacher has resumed duty and the period from April 1st until the return to duty is regarded as part of the preceding year's entitlement for the purpose of this scheme.

Support employees

Support employees are entitled to receive sick pay in accordance with West Berkshire Council's terms and conditions of employment. The entitlement is summarised below;

During 1st year of service	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2nd year of service	2 months full pay and 2 months half pay
During 3rd year of service	4 months full pay and 4 months half pay
During 4th and 5th year of service	5 months full pay and 5 months half pay
After 5 years service	6 months full pay and 6 months half pay

Entitlement is calculated on a rolling year basis.

Appendix 2 – Consent form for Consideration for Ill-Health Retirement under LGPS

Before we can arrange an assessment by an IRMP for Ill-health Retirement, you must sign and date this form to demonstrate that you fully understand the implications of your assessment.

- I wish to be assessed by an Independent Registered Medical Practitioner (IRMP) for Ill-Health Retirement.

- I have read the guidance about the benefits available to me under the LGPS ill-health retirement scheme and understand the tiers of assessment.

- I understand that it is my responsibility to seek information about my pension entitlements directly from Berkshire Pensions.

- I understand that, if the IRMP assesses that I do fulfil the criteria for tier 1, tier 2 or tier 3, the Council will convene a decision hearing to decide whether my employment will be terminated with due paid notice. The decision meeting will normally act on the recommendation of the IRMP if he/she declares that I am unfit for work and will issue notice to termination of employment due to (ill-health) capability. However, this is subject to any representations made by the employee and his/her representative.

- I have informed my line manager that I wish to be assessed for ill-health retirement.

- I understand that, if I do not agree with the assessment of the IRMP I can appeal their decision and also appeal against the decision to terminate my employment.

Signed: _____ Date: _____

Print Name: _____

Appendix 3 – Tiers of Ill Health Retirement

The following information is relevant for LGPS members. Members of Teachers' Pensions may also be entitled to be considered for ill-health retirement. The school must seek further information from their HR provider

There are three tiers of ill-health retirement.

Tier 1
This is when the Independent Registered Medical Practitioner (IRMP) has certified that the employee is permanently incapable of efficiently discharging the duties of their current job because of ill-health or infirmity of body or mind and there is no reasonable prospect of being capable of undertaking any gainful employment before normal retirement age. Permanently incapable means that the employee will more likely than not be incapable until, at the earliest, aged 65. The definition of gainful employment is defined by Regulation 20(14) of the Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations 2007 as "paid employment for not less than 30 hours in each week for a period of not less than 12 months.

In accordance with the LGPS Regulations, a tier 1 determination means that the employee would receive pension benefits equal to their accrued rights, with full enhancement of their prospective service to normal retirement age

Tier 2
This is when the IRMP has certified that the employee is permanently incapable of discharging efficiently the duties of their current job because of ill health or infirmity of body or mind.

It is also the Practitioner's opinion that whilst the employee is incapable of undertaking gainful employment within 3 years, they would be likely to undertake gainful employment before reaching their normal retirement age.

In accordance with the LGPS regulations, a tier 2 determination means that the employee would receive pension benefits equal to their accrued rights, with an enhancement of 25% of their prospective service to normal retirement age

Tier 3
This is where the IRMP has certified that the employee is permanently incapable of discharging efficiently the duties of their current job because of ill-health or infirmity of body or mind but that they would be capable of undertaking other employment within a period of 3 years.

In accordance with the LGPS regulations, a tier 3 determination means that the employee would receive the following pension benefits:

- payments of their accrued pension benefits, without enhancement
- pension benefits would be payable for a period of 3 years
- there will be a review of their situation after 18 months

If the employee finds gainful employment after their employment ends with the Council, they are required to notify the Council immediately, providing details such as pay and working hours etc. The Council will then consider the details regarding the employment and if this is deemed to be gainful employment according to the Regulations stipulated above, pension payments are stopped.

The employee should be offered the opportunity to appeal against the medical decision. Human Resources will arrange for an independent medical examination. The independent medical examiner should not have been treating the employee previously.

Where the IRMP determines that an employee does meet the criteria for ill-health retirement under any tier, the employee will be informed and a decision hearing will be convened to determine whether the employment should be terminated on grounds of capability (ill-health). The decision hearing will be chaired by the Head of Service/ Service Director with advice from Human Resources. The employee will be invited but is not under any obligation to attend if they do not wish to, or are not fit to attend.

The effective date of termination will then be the date notice expires. The reason for dismissal is that the employee is incapable of attending work for health reasons and has been declared unfit for employment (either permanently or currently). Where an employee would be better off taking their pension earlier, they can decide to forgo their notice payment.

Any termination of employment on health grounds is a dismissal on grounds of health capability, and the dismissed employee must be offered the right of appeal.